

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA, §
§
Plaintiff, §
VS. § CRIMINAL ACTION NO. C-06-00730-1
§
GERARDO ROJO-MARTINEZ, §
§
Defendant. §

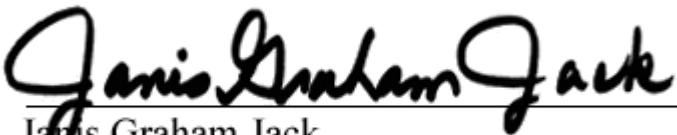
ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On April 3, 2007, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that a finding be entered that defendant's failure to file his notice of appeal within ten days of the entry of judgment was the result of excusable neglect, that defendant be granted an extension of time to appeal pursuant to Rule 4(b)(4), and that defendant's notice of appeal be held timely under the extension of time provision in Rule 4(b)(4). Seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court.

Accordingly, the Court finds that defendant's failure to file his notice of appeal within ten days of the entry of judgment was the result of excusable neglect. Defendant is granted an extension of time to appeal pursuant to Rule 4(b)(4) and defendant's notice of appeal shall be held timely under the extension of time provision in Rule 4(b)(4).

The clerk shall enter this order and provide a copy to all parties.

ORDERED this 4th day of April, 2007.


Janis Graham Jack
Janis Graham Jack
United States District Judge